

UNITED STATES BANKRUPTCY COURT
Eastern District of Michigan

FILED

In re:

CITY OF DETROIT, MICHIGAN,

2015 MAR 17 AM 11:01
Chapter: 9

U.S. BANKRUPTCY COURT
E.D. MICHIGAN-DETROIT
Case No.: 13-53846

Debtor.

Judge: Hon. Thomas J. Tucker

Address: 2 Woodward Avenue, Suite 1126
Detroit, Michigan 48226

Last four digits of Social Security or
Employer's Tax Identification (EIN) No(s). (if any): 38-6004606

Henry Brown, 281484
Plaintiff In Pro Per
Oaks Correctional Facility
1500 Caberfae Highway
Manistee, MI. 49660-9200

RE: Case No.: 12-CV-13402
Hon. Robert H. Cleland
Magistrate Judge David Grand

**PLAINTIFF'S RESPONSE TO CORRECTED NOTICE OF MOTION OF THE CITY OF DETROIT,
PURSUANT TO SECTIONS 105(a) AND 502(c) OF THE BANKRUPTCY CODE AND
BANKRUPTCY RULE 3021, FOR AN ORDER APPROVING RESERVE AMOUNTS FOR CERTAIN
DISPUTED OR UNLIQUIDATED UNSECURED CLAIMS IN CONNECTION WITH
DISTRIBUTIONS TO BE MADE UNDER THE EIGHTH AMENDED PLAN FOR THE ADJUSTMENTS
OF DEBITS OF THE CITY OF DETROIT.**

The City of Detroit, Michigan (the "City") has filed papers with the Court seeking entry of an order, pursuant to sections 105(a) and 502(c) of title 11 of the United States Code and Rule 3021 of the Federal Rules of Bankruptcy Procedure, approving reserve amounts for certain disputed or unliquidated unsecured claims in connection with distributions to be made under the City's confirmed plan of adjustment.

The plaintiff is a lifetime resident of the City of Detroit and understands that it should be a reserved amount for certain claims this claim is not one of those because of egregious nature of the misconducts. The prosecutor involved is covered with immunity and the Detective has since retired so the individuals that caused the injuries that the plaintiff is still dealing daily with has escaped any type of punishment. The plaintiff requests that a jury hear all the evidence and decide the damages without any set amount being dictated by the City of Detroit. The City of Detroit's motion should be denied and plaintiff's motion should be granted for the reasons set forth below.

Facts

On June 14, 2010, It was a shooting at a barbershop in Detroit, Michigan. The shooter ultimately fled on foot, but dropped his gun, sweatshirt, sweatpants and gloves near the barbershop which was gathered for DNA testing.

On July 17, 2010, plaintiff was arrested on unrelated charges which was case no. 10-8214 which is why the plaintiff is incarcerated. On August 4, 2010,

plaintiff was released on bond.

On August 12, 2010, Prosecutor John Casey filed a People's Emergency Motion To Revoke plaintiff's bond which was pulled because prosecutor realized witnesses lied on plaintiff. After the motion was pulled hours later at 7:15 pm an anonymous caller called the Detroit Police and implicated the plaintiff as the barbershop shooter. A witness would later implicate himself at trial as being behind the barbershop shooting allegations.

On August 17, 2010, Detective latonya Brooks showed the lone eyewitness a single picture of plaintiff which was a suggestive lineup. Plaintiff was identified by witness as shooter. On August 18, 2010, Wayne County Prosecutor John Casey recommended that a felony warrant be issued for plaintiff's arrest. That formed case no. 10-9267 which is what this motion is regarding. Casey was now the prosecutor in both of plaintiff's cases. Casey ignored the events of August 12, 2010.

On October 14, 2010, plaintiff and victim's DNA were sent for testing to the Michigan State Police. The test was completed on November 5, 2010 which exonerated the plaintiff but the exculpatory evidence was suppressed by the police.

On November 12, 2010, a Wade Hearing was held. Detective Brooks testified and never admitted that she knew the DNA results. Casey said that he was in contact with the State Police and DNA analysis of the gloves and sweatshirt was not finished. The State Police assured him that in a couple of months it would be completed.

The DNA report completion date of November 5, 2010, leaves no doubt that on November 12, 2010, the Wade hearing was fraudulent and used for the single purpose of committing fraud upon the Court by Casey with assistance from Detective Brooks.

The sworn testimony was false given by Brooks so they could hold plaintiff illegally while they builded the plaintiff's other case illegally. It was a conflict of interest to have the same prosecutor on both cases. The withheld exculpatory evidence deprived the plaintiff of due process which the Constitution guarantees.

On January 19, 2011, all charges for case no. 10-9267 were dismissed against plaintiff because the DNA results came back naming a Frank Hardy.

I was kidnapped from my home and I lossed everything that I owned because of this situation. I lossed my dignity and freedom. This case will shock the conscious of any reasonable person that ever believed in the U.S. Constitution. The Detroit Police and Wayne County Prosecutor's office knew the plaintiff was in jail illegally for months. This is not a ordinary case and it was incredible just to get the DNA report years later that proved the City of Detroit violated the plaintiff's constitutional rights.

Conclusion

The plaintiff urges this Court to issue a ruling against the City of

Detroit in this matter. It would be a further violation not to receive all that was loss at the hands of the City of Detroit's actions. It should not be a reserved amount for this claim because of the shocking treatment caused by the City of Detroit.

By: Henry Brown

Certificate of Service

Henry Brown certifies that on March 12, 2015 he filed Plaintiff's Response To Corrected Notice Of Motion Of The City Of Detroit, Pursuant To Sections 105(a) and 502(c) Of The Bankruptcy Code And Bankruptcy Rule 3021, For An Order Approving Reserve Amounts For Certain Disputed Or Unliquidated Unsecured Claims In Connection With Distributions To Be Made Under The Eighth Amended Plan For The Adjustments Of Debts Of The City Of Detroit and served a copy on Heather Lennox (OH 0059649) by U.S. mail addressed to:

Heather Lennox (OH 0059649)
JONES DAY
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114

Henry Brown
Henry Brown